

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:18-cv-00083

James Fisher,
Plaintiff,

v.

Matthew Madlock et al.,
Defendants.

**ORDER DENYING MOTION FOR AP-
POINTMENT OF RECEIVER AND MO-
TION FOR ENTRY OF DEFAULT JUDG-
MENT**

On February 23, 2018, plaintiff filed this lawsuit against defendants Matthew Madlock and Denise Walker. The case was referred to United States Magistrate Judge K. Nicole Mitchell. As plaintiff was proceeding *in forma pauperis*, the court ordered summons to be issued for defendant Denise Walker. Doc. 21. The United States Marshal Service executed summons upon Walker at her home address. Summons was executed on November 21, 2018, and the return was filed on December 17, 2018. Doc. 24. Although Walker was served, she did not file an answer or otherwise appear in this suit.

On April 13, 2020, plaintiff moved for entry of default against Walker. Doc. 44. After being ordered to do so by the court, plaintiff filed his supplemental motion for entry of default. Doc. 60. Walker did not respond to the motions. The court granted plaintiff's motions and directed the clerk of court to enter default against defendant Denise Walker. Docs. 66, 69.


On September 7, 2021, plaintiff moved for appointment of a receiver and judgment of default (Doc. 69) and entry of default judgment against Denise Walker (Doc. 70). Walker did not respond to either motion.

The magistrate judge issued a report and recommendation that the motion for entry of default judgment be denied for lack of

subject-matter jurisdiction. Doc. 72. The report and recommendation also recommended that the motion for appointment of receivership and default judgment be denied as premature. *Id.* No party objected to the report and recommendation. Defendant Madlock filed a late response to the motion for entry of default judgment. Doc. 75.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts the report and recommendation. Doc. 72. Plaintiff's motions for appointment of receiver and entry of default judgment (Docs. 69, 70) are denied as premature and for lack of subject-matter jurisdiction, respectively.

So ordered by the court on April 25, 2022.



J. CAMPBELL BARKER
United States District Judge